

June 2, 2009

**OFFICE OF THE HEARING EXAMINER  
CITY OF RENTON**

**Minutes**

OWNER: Brandon Lee  
618 Pasco Place NE  
Renton, WA 98059

CONTACT: Brett Bures  
1701 Mill Drive SE  
Lacey, WA 98053

Brandon Lee Short Plat  
LUA-09-039, SHPL-H

LOCATION: 2709 Talbot Road South

SUMMARY OF REQUEST: Hearing Examiner Short Plat approval for a 1.18 acre site to be subdivided into 2-lots for the eventual development of single family residences.

SUMMARY OF ACTION: Development Services Recommendation: Approve subject to conditions.

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on May 5, 2009.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

**MINUTES**

*The following minutes are a summary of the May 12, 2009 hearing.  
The legal record is recorded on CD.*

The hearing opened on Tuesday, May 12, 2009, at 10:01 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<b><u>Exhibit No. 1:</u></b> Yellow file containing the original application, reports, staff comments, proof of posting, proof of publication and other documentation pertinent to this request.	<b><u>Exhibit No. 2:</u></b> Vicinity Map
<b><u>Exhibit No. 3:</u></b> Site Plan	<b><u>Exhibit No. 4:</u></b> Landscape Plan
<b><u>Exhibit No. 5:</u></b> Tree Cutting/Land Clearing Plan	<b><u>Exhibit No. 6:</u></b> Utility Plan

<b><u>Exhibit No. 7:</u></b> Grading Plan	<b><u>Exhibit No. 8:</u></b> Temporary Erosion Control Plan
<b><u>Exhibit No. 9:</u></b> Zoning Map	<b><u>Exhibit No. 10:</u></b> ERC Determination
<b><u>Exhibit No. 11:</u></b> ERC Mitigation Measure	

The hearing opened with a presentation of the staff report by Gerald Wasser, Associate Planner, City of Renton, 1055 S Grady Way, Renton, Washington 98055. The site is 1.18 acres located within the Residential-8 dwelling units per acre zone. The proposal is for 2 lots to be developed into single-family residences. An existing single family residence and garage on the site and it will remain on proposed Lot 1. The site is west of Talbot Road and east of State Route 167. The site would have a net density of 5.76 dwelling units per acre which is within the allowed density for R-8 zone.

The site contains a Category 2 wetland and is considered a Hillside Subdivision due to steep slopes in excess of 20%.

Access for Lots 1 and 2 is proposed from Talbot Road South. The western portion of the site slopes steeply to the west towards SR 167, ranging from approximately 25% to over 40%.

Six existing trees are proposed to be removed to facilitate the construction of the proposed new home.

The Environment Review Committee issued a Determination of Non-Significance – Mitigated with one Measure. No appeals were filed.

The proposal is in compliance with the Comprehensive Plan Designation, which is residential single-family. There are several land use and community design policies that were identified in the Staff report with which the project complies.

All lots meet the requirements for minimum lot size, depth and width. Both proposed lots would meet the setback requirements. Lot coverage would be verified at the time of building permit review. Both lots would be required to provide a minimum of two off-street parking spaces. Parking regulations would be verified at the time of building permit review.

A conceptual landscape plan was submitted at the time of application and does indicate two existing trees in the front yard of both Lots 1 and 2 and further proposes to plant a 5-foot landscape strip along the frontage of Talbot Road South.

Street improvements including curb, gutter and sidewalk would be required along Talbot Road South abutting the property.

The size, shape, orientation, and arrangement of the proposed lots comply with the requirements of the Subdivision Regulations and the Development Standards of the R-8 zone. All new wire utilities would be installed underground per the City of Renton Undergrounding Ordinance.

A Transportation and Fire Mitigation Fees were recommended for this project.

The Hillside Subdivision Regulations do require greater attention to potential drainage, erosion and slope stability. Compliance with the imposed mitigation measure by the ERC should satisfy these standards.

The steepest slope area contains the wetland buffer area and continues to slope westerly to an on-site Category 2 wetland and SR 167. Staff has recommended that erosion control be required to comply with the Department of Ecology's Erosion and Sediment Control Requirements. Staff further recommends that the plat map be further revised to include a Native Growth Protection easement prior to recording of the final short plat.

The project is located within the Renton School District and they indicate that they are able to accommodate the proposed new students in District schools.

Per Renton Municipal Code drainage facilities must meet the requirements of the 1990 King County Surface Water Design Manual. It was pointed out that detention facilities are not required under the 1990 King County Surface Water Drainage Manual. A temporary erosion control plan would be required and would be installed and maintained to the satisfaction of the representative of the Development Services Division for the duration of the project. The project would be required to comply with the Department of Ecology's Erosion and Sediment Control requirements as outlined in Volume II of the 2001 edition of the Stormwater Management Manual.

New water service would be connected from the existing 8-inch water main fronting the property by way of a four-inch water main extension to the back of the property. The site is located within a Special Assessment District.

Brett Bures, 1701 Mill Drive SE, Lacey 98503 stated that this two lot short plat was submitted with the intention to meet all the City's requirements. This project is located on wetlands and steep slopes per the wetland delineations and the geotechnical engineering studies, they have tried to comply with the code and it appears that they have. He did ask for clarification to page 6 of the staff report where it states that street improvements including curb, gutter and sidewalks would be required along Talbot Road. He has been to the site and curb, gutter and sidewalks already exists on the property's frontage.

The property line is their best attempt to squeeze in the one lot based on the current location of the existing structure. The line has been surveyed, the specific closures will be provided at the time of final plat.

As to the shared driveway, they were trying to remain consistent with what currently exists in the neighborhood. They did not want to present something that was not consistent. Separate driveways are allowed in the neighborhood.

Neil Watts, Development Services Director stated that with a shared driveway there have been many discussions, separate driveways appear to be appropriate. Sight lines are good, Talbot is an arterial and there may be slightly higher volumes than on some other streets in the area. However, they still recommend separate driveways. Fire and Traffic have studied the proposed project and assigned fees according to number of buildings. There are no Parks fees in this instance because it is only a two lot short plat. It was recommended that a fence be built along the property line due to the curve in the line. This would make a clear division as to the space for each parcel.

Mr. Bures stated that he would like to hold open the fence discussion until the time of building, if appears as if a concrete strip, or landscaping might be a better and more practical way of delineating the separate properties within this plat.

Mr. Wasser stated that he would like to add a 7<sup>th</sup> condition for approval, which would address the 25-foot steep slope setback indicated on the site plan with a dotted line. That setback shall be noted on the face of the plat prior to recording. The fence for the protection of the Native Growth area would be at the top of the steep slope.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 10:32 a.m.

### **FINDINGS, CONCLUSIONS & RECOMMENDATION**

Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### **FINDINGS:**

1. The applicant, Brett Bures for Brandon Lee, filed a request for a Short Plat.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC) issued a Determination of Non-Significance Mitigated (DNS-M). Normally short plats are exempt from environmental review but the subject site contains critical areas, which means it is not exempt.
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 2709 Talbot Road South. The subject site lies on the west side of Talbot and is located between Talbot and SR-167. South 27th Place forms a T-intersection with Talbot immediately east of the subject site.
6. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of single family uses, but does not mandate such development without consideration of other policies of the Plan.
7. The subject site is zoned R-8 (Single Family - 8 dwelling units/acre).
8. The subject site was annexed to the City with the adoption of Ordinance 1743 enacted on April, 1959.
9. The subject site is approximately 51,253 square feet. The subject site is approximately 403 feet deep (east to west) by 130 feet wide.
10. The middle section of the subject site slopes down very steeply toward SR-167 while the western third of the site is a Category 2 wetland. Due to the steep slopes, the subdivision would be considered a Hillside Subdivision which generally requires larger lots and appropriate setbacks from slope areas.
11. An existing home is located toward the northeast corner of subject site and will be retained if the subdivision is approved.
12. The applicant proposes removing six (6) trees to accommodate the new home and driveways. Staff has recommended that a native growth protection easement protect vegetation and the steep slopes and wetland areas of the subject site. If the plat is approved the applicant will be providing a five foot landscape strip along Talbot as well as two trees in each front yard.
13. The applicant proposes dividing the subject site into 2 lots.
14. Proposed Lot 1, the northern lot, would contain the existing home. It would be approximately 25,164

square feet. Proposed Lot 2 would be the southern lot and contain approximately 26,089 square feet. The proposed lot line between the lots will be somewhat jagged or irregular to provide the appropriate south side yard setbacks from the existing home.

15. Site lines in this area are good but staff noted that Talbot does have higher speeds and S 27th Place intersects Talbot at the north end of these lots. Shared driveways are not required although they might be safer.
16. The applicant, if necessary, will be required to improve the frontage with curbs, gutters and sidewalks on its side of Talbot.
17. The density for the plat would be approximately 5.76 dwelling units per acre after deducting for critical areas. Code permits a range of between 4 and 8 units per acre.
18. The subject site is located within the Renton School District. The plat would generate approximately 1 student.
19. The development will increase traffic approximately 10 trips for the one new unit.
20. Stormwater generally flows west across the subject site, down the slope and into the wetlands. The development of the one new home will not require a detention system. Due to the steep slopes and the sensitive wetland at the toe of the slope, staff recommended the imposition of erosion control measures based on the Department of Ecology's 2001 Manual. Staff also recommended the creation of the Native Growth Protection Easement, delimiting it with a split rail fence and that the applicant observe a 25 foot setback from the top of the steep slope.
21. Sewer and water service will be provided by the City. Fire flows will have to meet City standards and special assessment fees are applicable.
22. The City has adopted mitigation fees for transportation improvements, fire services and parks and recreational needs based on an analysis of the needs and costs of those services. These fees are applied to new development to help offset the impacts new homes and residents have on the existing community and the additional demand for services. The Park fee does not apply to two lot short plats.

#### **CONCLUSIONS:**

1. The proposed plat appears to serve the public use and interest. While the one new lot will not appreciably add housing stock to the City, the plat will delineate the critical areas and protect them from development or intrusion.
2. Water and sewer services are available in this area. The project is infill creating housing in an area where urban services are available.
3. The development will increase the demands on the City's parks, roads and emergency services. The applicant shall therefore help offset those impacts by providing mitigation that matches the fees established by the City.
4. The one new lot will not overly tax the City's infrastructure and increased taxes as well as appropriate mitigation fees will help offset any impacts.

5. The plat creates reasonably sized lots. The skewed property line to provide appropriate yards and setbacks for the existing home could be problematic. Staff recommended that a fence be installed to establish this property line in a more concrete manner than just a survey.
6. In conclusion, the proposed short plat is appropriate.

**DECISION:**

The two-lot short plat is approved subject to the following conditions:

1. The applicant shall comply with the ERC condition.
2. The applicant shall delineate the 25 foot setback from the top of the slope and the face of the plat shall indicate that no structures or paving occur in this area. The existing outbuilding may remain.
3. The applicant shall install a fence delimiting the property line between Proposed Lots 1 and 2. A concrete ribbon or paving may be used if staff thinks it is appropriate.
4. A detailed landscape plan shall be submitted as part of the final short plat application and all landscaping shall be installed prior to final inspection of the building permit.
5. Temporary erosion control shall be required to comply with the Department of Ecology's Erosion and Sediment Control Requirements as outlined in Volume II of the 2001 edition of the Stormwater Management Manual.
6. Prior to the recording of the short plat, the applicant shall pay a Transportation Mitigation Fee of \$717.75.
7. Prior to the recording of the short plat, the applicant shall pay a Fire Mitigation Fee of \$488.00.
8. A Native Growth Protection Easement (NGPE) shall be recorded over the protected slopes and wetland buffer area prior to or concurrent with the recording of the final short plat.
9. The edge of the NGPE shall be delineated with a split rail fence and identified with signage as approved by the Community & Economic Development Department project manager. A fencing and signage detail shall be submitted to the Community & Economic Development Department project manager at the time of utility construction permit application for review and approval. The fencing and signage shall be installed prior to the recording of the final short plat.

ORDERED THIS 2<sup>nd</sup> day of June 2009

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FRED J. KAUFMAN  
HEARING EXAMINER

TRANSMITTED THIS 2<sup>nd</sup> day of June 2009 to the following:

Mayor Denis Law	Dave Pargas, Fire
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegian, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
Marty Wine, Assistant CAO	Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100 of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., June 16, 2009.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., June 16, 2009.**

**If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.**

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.